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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,583	10/23/2000	Mathieu Vandenbossche	1200-370	2518

7590 12/16/2004  
Matthew W Stavish  
Liniak Berenato Longacre & White  
6550 Rock Spring Drive  
Suite 240  
Bethesda, MD 20817

EXAMINER
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AGUIRRECHEA, JAYDI A

ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/583,583

Applicant(s)

VANDENBOSSCHE, MATHIEU

Examiner

Jaydi A. Aguirrechea

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/27/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-9,11 and 13 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/27/04 has been entered.

### ***Claim Rejections - 35 USC § 103***

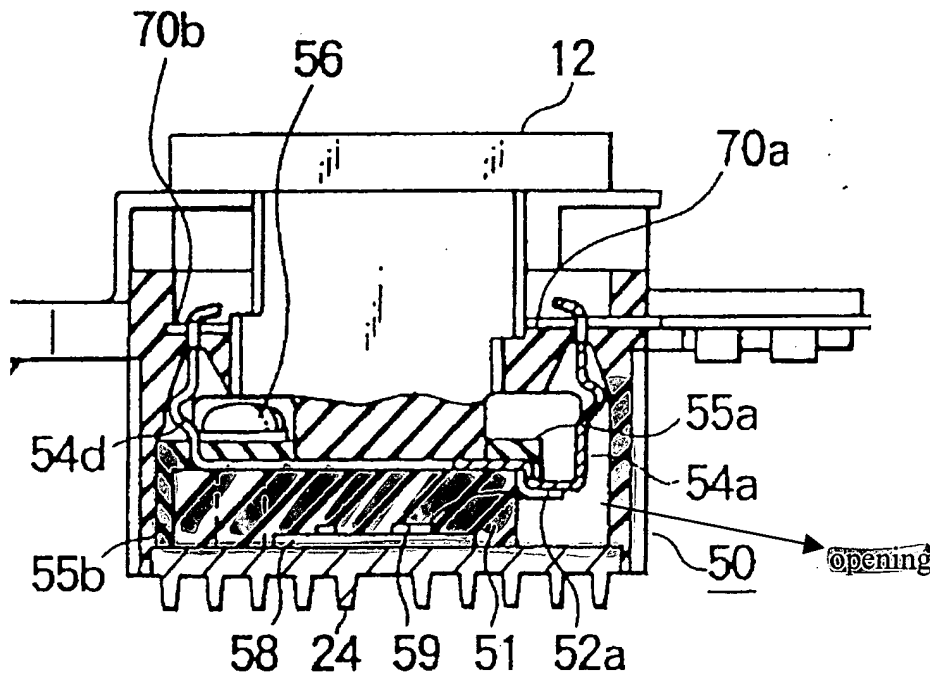
The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 4-7, 9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komurasaki et al (US 5619108) in view of Oohashi et al. (US 6172434).

Referring to claim 1, Komurasaki et al. disclose a brush holder (12) for a vehicle alternator having a housing (2), the brush holder (12) comprising: an insulating support (51) having an opening (see figure below), heat dissipating means (24,58) having a metallic seat (58) fixed to the support (51); and an electrical circuit (59) comprising: a semiconductor control component, in which the seat (58) on the one hand receives for fixing on one of its faces the control component (51) by means of an opening in the support (see figure below) and on the other hand belongs to the heat dissipation means (24,58) in contact with an ambient environment and arranged so as to receive heat from the control component (59), wherein the seat (58) is separate from the housing (2) and not in contact with the housing (2), the seat (58) is mounted within a thickness of the support (51) and the seat (58) receives on the other of its faces a heat

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dissipator (24) so that the heat dissipation means (24,28) is composed of two distinct and adjacent parts (Figure 1).



However, Komurasaki is silent regarding the material the dissipator is made of and/or the coefficient of expansion of the heat dissipating means.

Oohashi discloses the use of a heat sink made of aluminum. Oohashi discloses that the heat sink 26 is composed of aluminum, which has high thermal conductivity. It would have been obvious at the time of the invention was made to use an aluminum heat sink (aluminum having a higher coefficient of expansion than the copper used in the seat) since the aluminum has a high thermal conductivity.

Referring to claim 4, Komurasaki et al. disclose that the support (51) is molded onto the seat (58).

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Referring to claim 5, Komurasaki et al. disclose that the support (51) is molded onto the dissipator (24). Referring to claim 6, Komurasaki et al. disclose that the dissipator (24) is attached to the support (51).

Referring to claim 7, Komurasaki et al. disclose that the dissipator (24) is fixed to the support (51) by screws (56).

Referring to claim 9, Komurasaki et al. disclose that the seat (58) and the dissipator (24) are in direct contact.

Referring to claim 11, Komurasaki et al. disclose that the dissipator (24) is metallic (copper).

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komurasaki in view of Nakata et al (US 4990811).

Komurasaki et al. disclose a brush holder as described on item 1 above. However, Komurasaki et al. do not disclose that a thermally insulating element is interposed between the/or each screw and the dissipator.

Nakata et al. disclose that a thermally insulating element (36) is interposed between each screw (34) and the dissipator (18). The invention of Nakata et al. has the purpose of securing an insulator plate to a bracket through fixing legs. It would have been obvious at the time the invention was made to modify the brush holder of Komurasaki et al. and provide it with the thermally insulating element disclosed by Nakata et al, for the purpose of securing an insulator plate to a bracket through fixing legs.

***Allowable Subject Matter***

4. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Reasons for indicating allowable subject matter were given in the Final Office Action (3/1/04)

***Response to Arguments***

5. Applicant's arguments filed 10/27/04 have been fully considered but they are not persuasive.

6. Applicants argument that the combination of Komurasaki and Oohashi is not possible is not persuasive. Komurasaki discloses the claimed invention except for the two different metals used as heat sinks. Oohashi has been relied upon for the teachings of a heat sink made of a different metal than that of the primary reference. Therefore, the Examiner understands that the combination is proper.

7. Applicants argument that the opening is for the passage of the screw is not persuasive. As shown in the figure above (Fig. 1 in Komurasaki) there is an opening where the control component is fixed to the seat.

8. Applicants arguments with respect to claims 4 and 5, are not persuasive. It is to be noted that the wall 55b is made of a molded resin (See Column 5, lines 40-45).

9. In response to applicant's argument that Nakata is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977

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F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Nakata relates to a structure for holding a brush of an electric motor, same field as that of the invention.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaydi A. Aguirrechea whose telephone number is 571-272-2018. The examiner can normally be reached on M-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*ja*  
AA

12/10/2004

*[Signature]*  
DARREN SCHUBERG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800